
Tempe City Council
December 15, 2005

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 p.m.

1. INVOCATION - Councilmember Arredondo
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Copple
 - A. Approval of Council Meeting Minutes
 1. Council Finance & Aviation Committee – November 22, 2005 [20051215fac01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 2. Apache Boulevard Project Area Committee – November 10, 2005
[20051215apac01.pdf](#)
 3. Board of Adjustment – August 24, 2005 [20051215boa01.pdf](#)
 4. Commission on Disability Concerns – September 20 & October 18, 2005
[20051215dcd01.pdf](#) [20051215dcd02.pdf](#)
 5. Community Special Events Task Force – November 22, 2005 [20051215setf01.pdf](#)
 6. Design Review Board - November 2, 2005 [20051215drb01.pdf](#)
 7. Hearing Officer – November 15, 2005 [20051215ho01.pdf](#)
 8. Human Relations Commission – September 13, 2005 [20051215hrc01.pdf](#)
 9. Mayor's Youth Advisory Commission – November 15, 2005 [20051215myac01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - Kiwanis Club – Check Presentation from July 4th Event
 - Elks Lodge Presentations – Outstanding Public Safety Personnel
 - **Video Awards won by Media Services Center and Police Department**
 - Board and Commission Appointments [20051215boards.pdf](#)
 - B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items

10. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of October 9, 16, 23, & 30 and November 6, 2005.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

11. Request approval of an Intergovernmental Agreement and Addendum with the Arizona Department of Health Services for the Arizona Nutrition Network Local Incentive Grant Award for nutrition education services for the Kid Zone Enrichment Program.

COMMENTS: Grant award in the amount of \$157,000.

DOCUMENT NAME: [20051215csjt01.pdf](#) COMMUNITY SERVICE ADM (0701-01)

12. Request approval of an Intergovernmental Agreement between the State of Arizona, Governor's Office for Children, Youth and Families and the City of Tempe for the Tempe Juveniles Achieving Greatness (T-JAG) program.

COMMENTS: Juvenile Accountability Block Grant funds up to \$17,523 in federal funds through September 30, 2007.

DOCUMENT NAME: [20051215csjt02.pdf](#) COMMUNITY SERVICE ADM (0701-01)

13. Request approval of the 3rd Amendment to the Agreement between Rock 'N' Roll Arizona, Inc., the Tempe Convention and Visitors Bureau and the City of Tempe for the January 15, 2006 Rock 'N Roll Marathon.

DOCUMENT NAME: [20051215prmr01.pdf](#) SPORTS ADMINISTRATION/POLICIES (0105-01-07) C2003-67

14. Request authorization for the Mayor to sign a License Agreement with Wiltel Communications, LLC, for continued use of the City's rights-of-way for interstate communication services.

DOCUMENT NAME: [20051215ITD01.pdf](#) WITTEL COMMUNICATIONS, LLC (0802-28)

15. Request approval of a Condominium Plat by VILLAGIO AT TEMPE, 2401 East Rio Salado Parkway.

COMMENTS: (D.R. Horton, Mark Allen, property owner) (CC050111) #SHR-2005.121 for a Condominium Plat consisting of 742 residential units on 45.46 net acres, located at 2401 East Rio Salado Parkway.

DOCUMENT NAME: [20051215dsd2k06.pdf](#) PLANNED DEVELOPMENT (0406)

16. Request approval of a Final Subdivision Plat by WARNER VILLAGE, 1342 W. Warner Road.

COMMENTS: (Steve Bauer, Warner & Priest Equity Investments, owner / Jason Segneri, Survey Innovation Group, applicant) #SBD-2005.18 for a Final Subdivision Plat for Warner Village on 10.82 net acres.

DOCUMENT NAME: [20051215dsdk03.pdf](#) PLANNED DEVELOPMENT (0406)

17. Request approval of an Amended Final Subdivision Plat by CENTERPOINT RESIDENTIAL, 75 W. 5th Street.

COMMENTS: Addressed at 100, 111, 121, 161 and 188 West 6th Street. (Tempe Land Company, LLC, property owner) #SBD-2005.118 for an Amended Final Subdivision Plat on 4.79 net acres.

DOCUMENT NAME: [20051215dsdk02.pdf](#) PLANNED DEVELOPMENT (0406)

18. Request approval of a Preliminary and Final Subdivision Plat by PRESIDENTIAL ESTATES, 2400 South College Avenue.

COMMENTS: (John G. Bebling, property owner / JC & Sons, applicant) (CC050101) #SBD-2005.116 for a Preliminary and Final Subdivision Plat for eight (8) lots and four (4) tracts on 2.06 net acres.

DOCUMENT NAME: [20051215dsd2k08.pdf](#) PLANNED DEVELOPMENT (0406)

19. Request approval of a Subdivision Plat by TEMPE URBAN LIVING, 520 South Roosevelt Street.

COMMENTS: (Robert A. Rosen, property owner) (CC050105) #SBD-2005.117 for a Subdivision Plat for one (1) lot on .75 net acres.

DOCUMENT NAME: [20051215dsd2k07.pdf](#) PLANNED DEVELOPMENT (0406)

20. Request approval of a Horizontal Regime Condominium Plat by UNIVERSITY PARK LANE, 2353 West University Drive.

COMMENTS: (Frank Pettit, HOF-Biltmore University Park LLC, owner) (CC050096) #SHR-2005.113 for a Horizontal Regime for 13 office condominium units and a common tract on 4.66 net acres.

DOCUMENT NAME: [20051215dsrl03.pdf](#) PLANNED DEVELOPMENT (0406)

B. Award of Bids/Contracts

21. Request to award a contract to ACR Contracting for asbestos abatement, removal of fire-damaged walls, and general interior clean-up of the Flour Mill building.

COMMENTS: Subject to execution of final written contract. Total amount shall not exceed \$172,000. Grant funds from SRP/MIC.

DOCUMENT NAME: [20051215cdcm01.pdf](#) BACKGROUND MAT'L FOR PURCHASE AGRMTS (1004-01)

22. Request award of a Job Order Construction Contract, plus a change order contingency of \$20,000, to Foresite Design & Construction, Inc., for the irrigation main lining project.

COMMENTS: Subject to execution of the final written contract. Total amount shall not exceed \$169,071.

DOCUMENT NAME: [20051215PWMG03.pdf](#) IRRIGATION (0806)
PROJECT NO. 3202092

23. Request to award a one-year, sole source contract to Medtronic Emergency Response Systems for two Medtronics LifePak heart monitor/defibrillators and accessories.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$45,000 during the contract period.

DOCUMENT NAME: [20051215fslq03.pdf](#) PURCHASES (1004-01) Sole Source #06-097

24. Request to award three-year contracts with four (4) one-year renewal options to Arizona Defensive Driving and Arizona Crash Course for a defensive driving program.

COMMENTS: Revenue to the City estimated to be \$425,000 annually.

DOCUMENT NAME: [20051215fsdl04.pdf](#) PURCHASES (1004-01) RFP #06-056

25. Request to award a one-year contract with two (2) one-year renewal options to West Coast Equipment, Inc., for street sweeper brooms.

COMMENTS: Subject to the execution of the final written contract. Total cost for

this contract shall not exceed \$72,000 during the initial contract period.

DOCUMENT NAME: [20051215fslg01.pdf](#) PURCHASES (1004-01) IFB #06-010RB

26. Request approval of a one-year contract renewal with Philip Transportation and Remediation, Inc., for the transportation and disposal of hazardous waste.

COMMENTS: Total cost for this contract shall not exceed \$60,000 during the contract period.

DOCUMENT NAME: [20051215fsts02.pdf](#) PURCHASES (1004-01) #03025

27. Request approval for a \$250,000 increase in the Job Order Construction Master Contract with 3D/International, Inc.; an award of a Job Order Construction Contract to 3D/International, Inc.; and a \$100,000 change order contingency for light rail parcel improvements.

COMMENTS: Increase the maximum allowable dollar amount for individual Job Order Construction master contract from \$750,000 to \$1,000,000, which is consistent with Arizona Revised Statutes, subject to execution of the final written amendment; a Job Order construction contract in an amount not to exceed \$898,137, subject to execution of the final written contract.

DOCUMENT NAME: [20051215PWMG01.pdf](#) TRANSPORTATION PLANNING (1101-01) PROJECT NO. 60-966710

28. Request approval of a six-month Construction Contract extension with CPC Construction, Inc., for bus stop improvements.

COMMENTS: Subject to execution of the final written amendment in an amount not to exceed \$210,000.

DOCUMENT NAME: [20051215PWMG02.pdf](#) BUS BENCHES/SHELTERS/BUS BAYS (1107) PROJECT NO. 60-976749

29. Request approval of an addendum to a Construction Manager at Risk Contract with Moline Construction Company for Diablo Stadium Complex Improvements, Phase V.

COMMENTS: Subject to the execution of the final written addendum for a Guaranteed Maximum Price of \$4,663,018.

DOCUMENT NAME: [20051215PWDR05.pdf](#) DIABLO STADIUM (0706-01)
PROJECT NO. 6301781

30. Request approval of an addendum to a professional services contract with Superstition Foothills Consulting Services, Inc., for Cox VOIP (now known as Digital Telephone) inspection/plan review services.

COMMENTS: Subject to execution of the final written addendum in an amount not to exceed \$45,840.

DOCUMENT NAME: [20051215PWTG04.pdf](#) ENGINEERING
ADMINISTRATION (0803-02) PROJECT NO. 3222-6672

31. Request approval to utilize a one-year State of Arizona contract with Grainger for industrial supplies and equipment.

COMMENTS: Total cost of this contract shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20051215fslq05.pdf](#) PURCHASES (1004-01)
#EPS060050-1-A1

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *32.** This is the **introduction and first public hearing** for ordinances authorizing text amendments within the Zoning and Development Code for board/commission consolidation and creation of the Development Review Commission. **The second public hearing is set for January 5, 2006.**

COMMENTS: (City of Tempe, Applicant) (CC050102) **#ZOA-2005.23** for code text amendments for various sections throughout the Zoning and Development Code for the purpose of creating the Development Review Commission, a unified decision-making body. This action would combine the Planning and Zoning Commission, Design Review Board, and Redevelopment Review Commission, and modify powers of the Board of Adjustment. The request includes the following:

Ordinance No. 2005.81 for code text amendments in Part 1 – Introduction, of the Zoning and Development Code

Ordinance No. 2005.82 for code text amendments in Part 5 – Overlay Zoning Districts, of the Zoning and Development Code

Ordinance No. 2005.83 for code text amendments in Part 6 – Applications and Review Procedures, of the Zoning and Development Code

Ordinance No. 2005.84 for code text amendments in Part 7 – Definitions, of the Zoning and Development Code

DOCUMENT NAME: [20051215dsrl02.pdf](#) ZONING AND
DEVELOPMENT CODE (0414-01) (0414-05) (0414-06) (0414-07)

- *33. This is the **introduction and first public hearing** for an ordinance amending various sections of the Tempe City Code to conform with the Zoning and Development Code regarding creation of the Development Review Commission. **The second public hearing is set for January 5, 2006.**

DOCUMENT NAME: [20051215cacc01.pdf](#) CITY CODE (0503) ORDINANCE. 2006.01

- *34. This is the **introduction and first public hearing** for an ordinance authorizing the Mayor to execute a development and disposition agreement between the City of Tempe and Newtown Community Development Corporation/Habitat for Humanity. **The second public hearing will be held on January 5, 2006.**

DOCUMENT NAME: [20051215cdnc01.pdf](#) REAL PROPERTY DISPOSITION

(0902-21-01) ORDINANCE NO. 2005.97

D. Ordinances and Items for Second Hearing/Final Adoption

- *35. This is the **second public hearing** for an ordinance authorizing the Mayor to enter into a lease agreement with Hayden Ferry Lakeside, LLC, for temporary parking within Rio Salado Park.

COMMENTS: Establishes temporary parking for a period of three (3) months with renewal up to two (2) additional one-month periods for the temporary use of parking within Rio Salado to accommodate up to 70 vehicles in the north bank parking lots.

DOCUMENT NAME: [20051215rsny01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03) ORDINANCE NO. 2005.96**

36. *REQUEST BY APPLICANT TO CONTINUE TO JANUARY 19, 2006.

This is the **second public hearing** for a General Plan 2030 Projected Land Use map amendment, a zoning map amendment from General Industrial to R1-4 (Single Family Residential) and a Preliminary and Final Subdivision Plat for TEMPE VILLAGE at 9160 S. Hardy Drive.

COMMENTS: (Norm Schrock, Woodside Homes, property owner) (CC050092)

Resolution No. 2005.64 #GEP-2005.05 for a General Plan 2030 Projected Land Use map amendment for approximately 18 acres from Mixed-Use to Residential with a Density map amendment from Medium Density (up to 15 dwelling units/acre) to Low to Moderate Density (up to 9 du/ac) with an actual density of 6 du/ac, and for 3.17 acres from Mixed-Use to Private Open Space, with a Density designation of zero, located at 9160 S. Hardy Drive.

#ORD 2005.78 #ZON-2005.20 for a zoning map amendment from GID, General Industrial to R1-4, Single Family Residential on 21.08 gross acres.

#SBD-2005.109 for a Preliminary and Final Subdivision Plat, consisting of 120 lots and 7 tracts on 21.08 gross acres.

DOCUMENT NAME: [20051215dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406) LAND USE GENERAL PLAN (0401-01)**

- *37.** This is the **second public hearing** for a General Plan amendment, a zoning map amendment, and a Planned Area Development Overlay for UNIVERSITY OF ADVANCING TECHNOLOGY STUDENT HOUSING at 2625 West Baseline Road.

COMMENTS: (Dorado Capital Investments LLC, property owner) (CC050076) for an existing school to add a new 65,900 s.f. building for a student housing complex, consisting of 131 dwelling units, on 5.7 net acres, including the following:

Resolution No. 2005.54 #GEP-2005.04 for a General Plan Amendment from a Projected Residential Density of None to Medium-High Density (up to 25 du/ac) on 5.7 acres;

Ordinance No. 2005.74 #ZON-2005.18 for a Zoning Map Amendment from GID, General Industrial District and AG, Agricultural to MU-3, Mixed-Use Medium-High

Density on 5.7 acres; and
#SPD-2005.91 for a Planned Area Development Overlay for an existing school (48,251 s.f.) and a proposed student housing complex (65,900 s.f.), totaling 114,151 s.f. in building area.

DOCUMENT NAME: [20051215dsrl01.pdf](#) PLANNED DEVELOPMENT (0406)

E. Resolutions

38. Request approval of a resolution authorizing the Mayor to sign the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement.

COMMENTS: To resolve the claims of the Gila River Indian Community to water of the Salt and Gila Rivers.

DOCUMENT NAME: [20051215cacc02.pdf](#) WATER RIGHTS (0811-11)
RESOLUTION NO. 2005.71

39. Request approval of a resolution certifying compliance by Northwest Tempe Neighborhoods, CDC, Inc. (Newtown) with the Consolidated Plan and Administrative Commitment for FY 2006/2007 Federal Home Funds.

DOCUMENT NAME: [20051215cdlc01.pdf](#) COMMUNITY DEVELOPMENT (0403-01) RESOLUTION 2005.69

40. Request approval of a resolution approving the City of Tempe's Downpayment Assistance Program Manual.

DOCUMENT NAME: [20051215cdlc02.pdf](#) COMMUNITY DEVELOPMENT (0207-26) RESOLUTION NO. 2005.70

6. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

SCHEDULED PUBLIC APPEARANCE

- David Carey, Tempe re: Broadway Apartments Safety and Accessibility

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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